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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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10 UNITED STATES OF AMERICA, ) NO. CR. S.0-288 LKK  
11 Plaintiff, )  
12 v. ) **ORDER**  
13 JOSEPH FERRARI, )  
14 Defendant. )  
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Joseph Ferrari pled guilty on December 13, 2005 to four counts of distribution of methamphetamine in violation of 21 U.S.C. § 841(a)(1). At that time, Mr. Ferrari's understanding, in accordance with the written plea agreement was that in exchange for his truthful & substantial cooperation with the government he could receive up to a fifty percent reduction on his sentence. After entering his plea Mr. Ferrari was debriefed by both federal and local law enforcement officers. Mr. Ferrari met with officers and the federal prosecutor every time he was asked. Mr. Ferrari was entirely truthful and gave information at his own peril. After Mr. Ferrari began cooperating he was attacked at the Sacramento County jail and he was subsequently moved to the Yolo County jail. Mr. Ferrari cooperated in a local

1 homicide investigation, in which officers indicated he was very  
2 helpful. Mr. Ferrari cooperated in a federal investigation in which  
3 several people were arrested and convicted. Mr. Ferrari also gave  
4 a great deal more information which he believes to be useful and  
5 helpful to the government. As a result of Mr. Ferrari's substantial  
6 cooperation and aid to the government, he should receive a  
7 substantially reduced sentence.

8 Late in the day on Thursday, November 9, 2006, Mr. Ferrari  
9 first learned, through the government's 5K1.1 letter in support of  
10 its motion to this Court that the government only intended to make  
11 a motion for a 25% reduction in Mr. Ferrari's sentence. The  
12 government recommends a sentence of 176 months. This meager  
13 sentence reduction is far lower than Mr. Ferrari expected in light  
14 of his continued, significant and fruitful assistance to the  
15 government. The recommended sentence is excessive. The  
16 government's 5K1.1 letter inaccurately depicts Mr. Ferrari's  
17 cooperation. In light of the government's recommendation, Mr.  
18 Ferrari requests that the November 14, 2006 judgment and sentencing  
19 be vacated to allow the defense to file its own 5K1.1 motion. Mr.  
20 Ferrari requests that the matter be calendared for a Status  
21 Conference regarding sentencing on in two weeks on November 28,  
22 2006, if that date is available with the Court.

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24 Respectfully submitted,

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Dated: November 12, 2006

26 Shari Rusk  
/s/ Shari Rusk  
Attorney for Defendant  
27 Joseph S. Ferrari

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4 **ORDER**  
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6 IT IS SO ORDERED.  
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9 Dated: November 13, 2006  
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LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT

